



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

[REDACTED]

PRELIMINARY RECITALS

Pursuant to a petition filed September 09, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the La Crosse County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on September 29, 2015, at La Crosse, Wisconsin.

The issue for determination is whether the agency erred in its termination of FS.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of La Crosse County.
2. Petitioner was an ongoing FS recipient. On August 25, 2015 she added her child to her FS case as well as the child's father. Adding the father brought \$2,442.40 in earned income and \$300 in unearned income.

3. The agency discontinued FS as of October 1, 2015 as the family was over the net income limit.
4. Petitioner appealed.
5. At the time of the hearing, the agency representative testified that it reviewed the case for the hearing and discovered errors including the mistaken inclusion of the \$300 in unearned income. The agency sought additional income verification from petitioner who provided the requested documentation.
6. The agency updated the case with new income for the father of \$3,129.32.
7. The net income for the household is \$2,164.69. Even with the review and changes, the agency informed petitioner by notice dated September 25, 2015.

DISCUSSION

At the time of the hearing, petitioner stated that she now understands the reason for the termination. She was concerned that the agency was incorrectly counting the \$300 for the father or that they were still counting her as working. She explained that she is not and is staying home with her baby. Petitioner had no specific argument or other claimed errors.

It is clear that the new income added to the case, raising the net adjusted income to the level it is right now results in a zero dollar FS allotment. If the income drops, the household may become eligible for a FS allotment in the future.

CONCLUSIONS OF LAW

The agency did not err in terminating the FS case.

THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

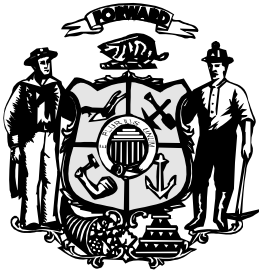
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in

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this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 27th day of October, 2015

\sJohn P. Tedesco
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on October 27, 2015.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability